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Previous references.

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File No. 3.

Serial Nos.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1.

Pt. Part B for

SUBJECT.

Notes regarding the employment of pleaders &c. ordinary revenue suits in the Revenue Courts

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Indexed

Mirza Nazeer Hussain.

W D 88—GPB—50,000—24-7-16

No 38.

Memorandum.

× missing Letter × No. 45/6 dated the 21st April 1874 from the Comm^r of the Ashtagram Division.

No 1

+ No. 611 of 2d October 1872.

On a reference from the Deputy Superintendent of the Shemoga District anent the Notification published in the Mysore Gazette, directing the enforcement of the Rules for the service of Revenue processes from 1st October 1871, the Superintendent of Nagar requested instructions as to whether it is the Chief Commissioner's intention that the Civil Rules regarding the presentation of appeals should be strictly followed in the Revenue as also

* No. 445/122 of 12th October 1872.

if it

and of so the process
Rules published in the
Gazette cannot be strictly
brought into force & that
a strict adherence to the
same will occasion much
inconvenience & hardship
to the Revenue suitors.

2. In reply the Commr
was informed that he
should be guided generally
by section 16 of the Civil
Procedure Code as regards
the entertainment of Regular
Revenue suits, and that
Miscellaneous petitions
may as directed in para 22
of the Revenue Code be
received by and by that
para 28 of the Revenue Code
specially declares that
as regards details ....
conducting the investiga-
tion of cases the course
laid down in the Civil
rules for Amlars should
as far as it is applicable
be

© No 5979 of 27th January 1883.
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Rules have been superseded by the introduction of the Civil Procedure code the directions contained in the latter may safely be adopted for general guidance. It was also stated that the provisions made in para 32 of the Revenue Code as regards the determination of costs by Revenue Courts to the effect that the award should be in accordance with the Civil Rules" and the purport of paras 7 & 8 show that so far as the procedure is concerned, there should be no difference between a revenue and a regular civil suit The Commissioners further instructed that unless the course laid down in the Civil procedure Code

is adopted as regards the entertainment of Revenue suits & service of processes, the rules lately passed on the latter subject, cannot strictly be enforced.

3. A copy of the above letter was forwarded to the Commissioner of Ashtagram for his information & guidance. + No. 5981/1252 dt 27th January 1873.

4. With regard to the general application of the provisions of the Civil procedure Code to Revenue suits, the Deputy Commr of Mysore requested the Commr to inform him whether pleaders can be allowed to be heard in revenue cases original & appeal and if so, whether they are entitled to their costs as in Civil Courts. © No. 1397 dt April 1874.

In

5: In his letter recorded
in the top of this Brem.
Col: Clerk submits
that on looking to the
simple nature of the
cases at present cognizable
by the Revenue Courts
which seldom involve
any intricate points either
of law or of facts requiring
the aid of professional
pleaders, and the heavy
expense which will be
entailed on the parties
in case the former are
omitted, and therefore
suggests that the present
system may be continued
at any rate, until the
completion of the Survey
operations in his Division
He also states that
his predecessor Major
Campbell declined to
hear the pleader who
appeared for a special
appellant.

6. The foregoing is a summary of the orders, & as the settlement of Revenue suits also involve questions of law and of facts, I do not see why the judge and the suitor should not have the benefit of a Lawyer. The decrees of the Revenue Courts are judgments in rem between the same parties, & not mere miscellaneous orders confirming existing professions & referring parties to a regular suit. I would therefore not object to the introduction of pleaders but at the same time not insist upon their employment as in the Civil Courts.

27/4/74

I am not in favour

the interdiction of
Rhodes, both the con-
sequences of the inva-
sion, has been made
the subject of bitter
reproach against the
first by the people
themselves & has
been considered as
one of the principal
causes of his
failure & consequent
with the exemption
of Rhodes. -
3. Rhodes like every
state should be
encouraged & enabled
to pay the compleat
employment of those
in the service of
this Empire
And their governors
Commissioners employed
in it should be a
sufficient compleat

the Emperor
Rhodes
the Commissioners
the Commissioners
the Commissioners